



112 1648

Dkt. 57906-A/JPW/AJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/464,902 Group Art Unit: 1648
Filed: December 16, 1999 Examiner: Emily Le
For: NUCLEIC ACIDS ENCODING POLYPEPTIDES OF ANTI-CCR5 ANTIBODIES

1185 Avenue of the Americas
New York, New York 10036
February 1, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION REGARDING
JANUARY 23, 2006 TELEPHONIC EXAMINER'S INTERVIEW

This Communication is submitted pursuant to 37 C.F.R. 1.133(b) to make of record the substance of the discussion between Examiner Emily Le and Ashton J. Delauney, Esq. of the undersigned's office during a telephone interview conducted on January 23, 2006 in connection with the above-identified application.

A written Interview Summary (Form PTOL-413) regarding the January 23, 2006 telephone interview was issued by the U.S. Patent and Trademark Office on January 26, 2006. The present Communication is intended to provide further details of the discussion with the Examiner during the telephone interview, and thereby complete the record concerning the issues discussed.

Applicants wish to thank the Examiner for the courtesy extended during the January 26, 2006 interview. Applicants understand that, during this interview, the Examiner approved their proposed amendments to independent claims 110 and 112 which put these claims in condition for allowance.

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/464,902
Filed December 16, 1999
Page 2

Substance of the Interview

An Office Action was issued October 21, 2005 by the U.S. Patent and Trademark Office in connection with the subject application. In this Office Action, the Examiner suggested certain amendments which she indicated would, if adopted by applicants, put the claims in condition for allowance. Applicants were prepared to accept the Examiner's proposed amendments but wished to make additional amendments to independent claims 110 and 112. During the January 23, 2006 telephone interview, the Examiner was asked specifically whether these additional amendments to claims 110 and 112 would be acceptable.

A listing of proposed claims 110 and 112, including annotations for claim amendments, is set forth below. The deletion and addition of claim terms suggested by the Examiner in the October 21, 2005 Office Action are indicated by strikethrough and underlining, respectively. Further, the additional amendments proposed by applicants and specifically brought to the Examiner's attention during the January 23, 2006 interview, are indicated by underlined bold text. Mr. Delauney noted during the interview that these additional proposed amendments are consistent with the claim terms used in the preceding sections of each of claims 110 and 112.

Listing of Proposed Claims 110 and 112

110. (Currently Amended) An isolated nucleic acid encoding a polypeptide comprising a heavy chain of an anti-CCR5 antibody or a portion thereof containing three CDR regions, wherein the three CDR regions comprise

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/464,902
Filed December 16, 1999
Page 3

consecutive amino acids the sequences of which are identical to the sequences of CDR regions present in a heavy chain of a monoclonal antibody selected from the group: PA14 produced by the hybridoma designated PA14 (ATCC Accession No. HB-12610), PA8 produced by the hybridoma designated PA8 (ATCC Accession No. HB-12605), PA9 produced by the hybridoma designated PA9 (ATCC Accession No. HB-12606), PA10 produced by the hybridoma designated PA10 (ATCC Accession No. HB-12607), PA11 produced by the hybridoma designated PA11 (ATCC Accession No. HB-12608), and PA12 produced by the hybridoma designated PA12 (ATCC Accession No. HB-12609); and wherein the polypeptide in combination with a ~~second~~ polypeptide comprising a light chain of an anti-CCR5 antibody or a portion thereof containing three CDR regions binds to an epitope of CCR5 comprising amino acid residues in (1) an N-terminus of CCR5, (2) one of three extracellular loop regions of CCR5, or (3) a combination of (1) and (2).

112. (Currently Amended) An isolated nucleic acid encoding a polypeptide comprising a light chain of an anti-CCR5 antibody or a portion thereof containing three CDR regions, wherein the three CDR regions comprise consecutive amino acids the sequences of which are identical to the sequences of CDR regions present in a light chain of a monoclonal antibody selected from the group: PA14 produced by the hybridoma designated PA14 (ATCC Accession No. HB-12610), PA8 produced by the hybridoma designated PA8 (ATCC Accession No. HB-12605), PA9 produced by the hybridoma designated PA9 (ATCC Accession No. HB-12606), PA10 produced by the hybridoma

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/464,902
Filed December 16, 1999
Page 4

designated PA10 (ATCC Accession No. HB-12607), PA11 produced by the hybridoma designated PA11 (ATCC Accession No. HB-12608), and PA12 produced by the hybridoma designated PA12 (ATCC Accession No. HB-12609); and wherein the polypeptide in combination with a ~~second~~ polypeptide comprising a heavy chain of an anti-CCR5 antibody or a portion thereof containing three CDR regions binds to an epitope of CCR5 comprising amino acid residues in (1) an N-terminus of CCR5, (2) one of three extracellular loop regions of CCR5, or (3) a combination of (1) and (2).

In response, the Examiner stated that on the basis of her preliminary consideration of the proposed amendments to claims 110 and 112, the additional amendments proposed by applicants were reasonable and would place these claims in condition for allowance.

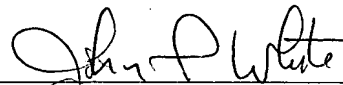
Applicants note that an Amendment in response to the October 21, 2005 Office Action was filed with the Patent and Trademark Office on January 23, 2006. This Amendment presented amendments to claims 110 and 112 as set forth above, as well as amendments to other pending claims as suggested by the Examiner in the October 21, 2005 Office Action. Applicants are optimistic that all claims now pending in the subject application will be allowed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 09/464,902
Filed December 16, 1999
Page 5

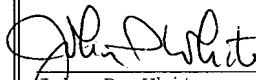
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 21.106
John P. White Date
Reg. No. 28,678